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01w 03-03

Paper No. 11

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OFFICE OF PETITIONS

In re Application of :
R. Dennis Nesbitt :
Application No. 09/877,835 : DECISION DISMISSING
Deposited: 8 June, 2001 : PETITION
Attorney Docket No. SLD 20214-3 :

This is a decision on the petition filed on 21 January, 2003, which is treated as a petition under 37 CFR 1.53(e) requesting that the above identified application be accorded a filing date of 8 June, 2001.

The petition is dismissed.

The application was deposited on 8 June, 2001. On 27 November, 2002, however, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that the filing date would be the date that the drawings were received. A two (2)-month period for reply was set.

In response, the present petition was filed on 21 January, 2003, in which petitioner asserts that the application, as filed, included three (3) sheets of drawings. In support, the petition is accompanied by a copy of petitioner's return receipt postcard bearing a USPTO Office stamp with an "Office-date" of 06/08/01 and the above-identified application number and itemizing the filing of three (3) sheets of drawings.

The petition is **dismissed** without prejudice to reconsideration because petitioners have not supplied a copy of the three (3) sheets of drawings allegedly filed on 8 June, 2001. Petitioners must supply a copy of the three (3) sheets of drawings with a renewed petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing as an incomplete application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks
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Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



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